

AG Contract No. KR93 2032TRN
ECS File: JPA 94-13
JPA No. 93-113
Project: H3855 01C
Section: State Route 85

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF AVONDALE

THIS AGREEMENT is entered into 24 May, 1994,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF AVONDALE, acting by and through its MAYOR and CITY
COUNCIL (the "City").

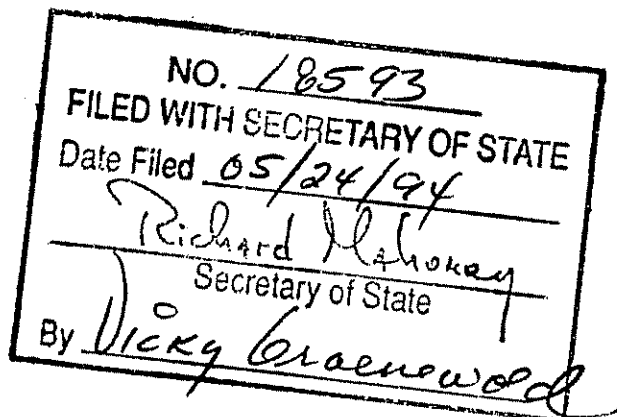
I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 and to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the City.

3. The City desires to construct improvements to SR-85
within the City limits, to include pavement repairs and
resurfacing, curb, gutter and sidewalk replacement, and the
installation of a new signal at the intersection of SR-85 and
107th Avenue when warranted. The State has planned future
maintenance and improvement projects to SR-85 within the limits
of the City. The State and the City have now agreed to
transfer State funds to the City to accomplish those
improvements.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:



II. SCOPE OF WORK

1. The State will:

a. Advance \$402,525.00 to the City for design and construction of pavement repairs and resurfacing, and curb, gutter and sidewalk replacement.

b. Provide the City appropriate spare parts for three (3) existing SR-85 traffic signals in the City, or, if the City elects to obtain a signal maintenance agreement with Maricopa County, upgrade the signals to County standards. If warranted, provide the City sufficient and appropriate materials for a new traffic signal at 107th Avenue and SR-85.

c. Perform interim minor maintenance activities, such as crack sealing, flushing, milling and replacing asphalt pavement in localized problem areas, and roadway restriping prior to the abandonments contemplated herein. The extent of such minor maintenance will be as determined by a joint City/State field review.

d. Upon completion of the improvements and expenditure of funds, and upon approval and by resolution of the State Transportation Board, abandon jurisdiction and maintenance responsibility for SR-85 within the City to the City.

2. The City will:

a. Accomplish design of the various required SR-85 improvement projects, acquire any additional required rights-of-way, and construct the future improvements. Be responsible for all costs relating to construction, and cooperate with the State Historic Preservation Office regarding any archaeological discoveries during construction.

b. Upon approval and by resolution of the State Transportation Board, accept jurisdiction and maintenance responsibility for SR-85 within the limits of the City. Waive the four year advance notification requirements of Arizona Revised Statute 28-106.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and abandonments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the payment to the City, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Avondale
City Manager
525 N. Central
Avondale, AZ 85323

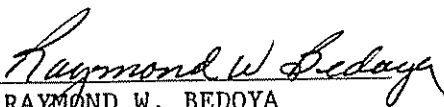
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

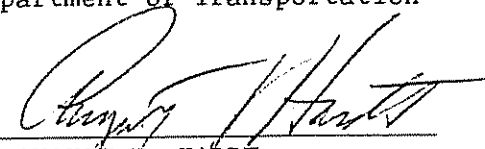
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF AVONDALE

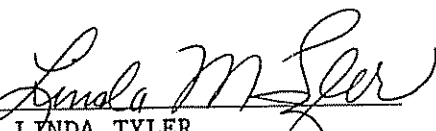
STATE OF ARIZONA

Department of Transportation

By 
RAYMOND W. BEDOYA
Mayor

By 
AUGUST V. HARDT
Deputy State Engineer

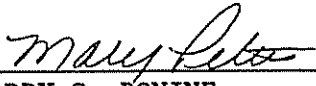
ATTEST

By 
LYNDA TYLER
City Clerk

RESOLUTION

BE IT RESOLVED on this 11th day of August 1993, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Avondale for the purpose of defining responsibilities for the design and construction of improvements to SR-85 and the abandonment of jurisdiction and maintenance responsibility for SR-85 in the City to the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


for LARRY S. BONINE
Director

RESOLUTION NO. 1290-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVONDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA PROVIDING FOR THE ACCELERATED ACCEPTANCE OF STATE ROUTE 85 BY THE CITY OF AVONDALE AND; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVONDALE, MARICOPA COUNTY, ARIZONA, as follows:

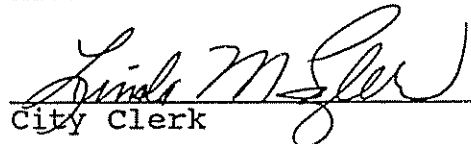
SECTION 1. The City is hereby authorized to enter into an Intergovernmental Agreement with the State of Arizona providing for the accelerated acceptance of State Route 85 by the City of Avondale.

SECTION 2. The Mayor and City Clerk are hereby authorized to execute said Agreement.

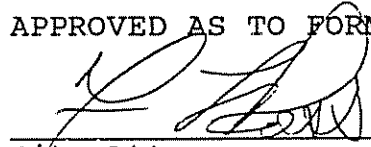
PASSED AND ADOPTED by the Mayor and Council of the City of Avondale, Arizona, this 9th day of May, 1994.


MAYOR BEDOYA

ATTEST:


City Clerk

APPROVED AS TO FORM:



City Attorney

JPA 93-113

APPROVAL OF THE AVONDALE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF AVONDALE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 11th day of May, 1994.

A handwritten signature in black ink, appearing to be "R. P. [unclear]", written over a horizontal line.

City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR93-2032-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 19th day of May, 1994.

GRANT WOODS
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
8365G